

REMARKS

This amendment serves as the submission accompanying Applicant's Request for Continued Examination (RCE) filed pursuant to 37 C.F.R. § 1.114. The applicant notes that the present amendment is further accompanied by a Petition to Accept Late Priority Claim in compliance with 37 C.F.R. § 1.78(a).

Claims 10-17, 19-24, and 26-31 are pending. Claim 25 is canceled. Claim 24 is amended. New claims 32-27 are added. Support for the new claims can be found, for example, on page 12, lines 6-19, and Figures 24-25. No new matter is introduced by these amendments. Upon entry of this amendment, claims 10-17, 19-24, and 26-37 are pending. Reconsideration of the application in view of the above amendments and the following remarks is therefore requested.

By Final Office Action dated January 27, 2006 and Advisory Action dated May 19, 2006, claims 10-17 and 19-31 are rejected under 102(e) as being anticipated by U.S. Patent No. 6,891,747 to Bez (hereafter "Bez"). Specifically, the Examiner alleges that claims 10, 20, 24 and 29 do not distinguish from Bez. Referring to Figure 14 of Bez, the Examiner characterizes elements 39, 40 and 42 as a "sealing structure"; and elements 27 and 28 as a "delimiting structure".

Without acquiescing to the Examiner's position, solely to expedite prosecution of the application, the applicant submits a supplemental Application Data Sheet to claim priority to U.S. Patent No. 10/313,991, filed December 5, 2002, and claims priority under 35 U.S.C. § 119(d) to European App. No. 01128461.9, filed December 5, 2001. (Please see also the enclosed petition).

The applicant submits that claims 10-17, 19-24, and 26-31 are entitled to the benefit of the priorities as set forth above. Accordingly, Bez is not a proper prior art reference. As such, the priority claim of the application obviates the grounds for the rejection based on Bez. Therefore, Applicant respectfully requests this rejection be withdrawn.

Moreover, the applicant submits that new claims 32-34 are patentable over Bez. In particular, claim 32 recites specifically that "a sealing structure positioned directly on and contacting a top surface of the delimiting structure, the sealing structure and the delimiting structure having a substantially similar width and together forming a stack".

Bez does not disclose or suggest this feature. In Bez (*e.g.*, Figures 14 and 25), to the extent that the elements 42, 40 and 39 could be characterized as a "sealing structure", and the elements 27 and 28 as a "delimiting structure", the sealing structure and the delimiting structure do not have a similar width or form a stack. In addition, the element 39 does not contact a top surface of the elements 28. Instead, a phase change material layer 38 is interposed between the element 39 and the element 28. Accordingly, Bez does not teach or suggest each and every limitation of claim 32. The applicant respectfully submits that claim 32 and its dependent claims 33-34 are patentable over Bez.

Likewise, new claims 35-37 are also patentable over Bez. In particular, claim 35 recites specifically "a memory portion of a phase change material, housed in said aperture without exceeding the aperture".

Bez does not disclose or suggest this feature. In Bez, the phase change material exceeds beyond the aperture 56, *see, e.g.*, the phase change material layer 38 in Figures 14 and 25. Accordingly, Bez does not teach or suggest each and every limitation of claim 35. The applicant respectfully submits that claim 35 and its dependent claims 36-37 are patentable over Bez.

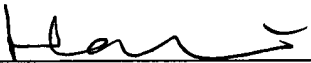
In conclusion, the applicant submits that the priority claim accompanied herewith obviates the ground for rejecting claims 10-17, 19-24, and 26-31 based on Bez. Moreover, for reasons as set forth above, new claims 32-37 are patentable over Bez.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Application No. 10/824,631  
Reply to Office Action dated January 27, 2006

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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